

6693. Adulteration and misbranding of olive oil. U. S. * * * v. 42 Cases of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9027. I. S. Nos. 4465-p, 4466-p, 4467-p. S. No. E-1038.)

On May 9, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 42 cases of alleged olive oil, at Newark, N. J., alleging that the article had been shipped on or about April 29, 1918, by Di Paola Bros., New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled, "Spadiro Brand Olive Oil," "Vergina Brand Olive Oil," and "Brisco Brand Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been substituted in whole or in part for the article purporting to be pure olive oil.

Misbranding of the article was alleged in substance, for the reason that the statement—to wit, "Pure Olive Oil"—borne on the labels attached to the cans, was false and misleading in that it represented that the article was pure olive oil, whereas, in truth and in fact, it was not, but consisted wholly or in part of cottonseed oil. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article—to wit, olive oil. Misbranding of the article was alleged in substance for the further reason that the statement—to wit, "Pure Olive Oil, made in Italy"—borne on the labels attached to the cans, was false and misleading, in that it represented that the article was a foreign product—to wit, pure olive oil made in Italy—whereas, in truth and in fact, it was not, but consisted wholly or in part of cottonseed oil manufactured and packed in the United States.

On May 28, 1918, the said Di Paola Bros., claimant, having admitted the truth of the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*